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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/495,751	02/01/2000	Paul Ignatius	044463.0020	5252

7590

08/11/2005

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EXAMINER

JACOBS, LASHONDA T

ART UNIT PAPER NUMBER

2157

DATE MAILED: 08/11/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/495,751

Applicant(s)

IGNATIUS ET AL.

Examiner

LaShonda T. Jacobs

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2157

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 July 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 21-27 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 21-27 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

This Office is in response to Applicants' RCE filed on July 11, 2005. Claims 1-20 have been cancelled. Newly added claims 21-27 are presented for examination.

Specification

1. The disclosure is objected to because of the following informalities: Applicants' fails to define the characteristic of a first and second portion of the data and how copying a first and second portion of the data through the data pipe in a first and second chunk in a first and second format base on the first and second characteristic is performed.

Appropriate correction is required.

Drawings

2. The drawings are objected to under 37 CFR 1.83(a) because they fail to show how copying a first and second portion of the data through the data pipe in a first and second chunk in a first and second format base on the first and second characteristic as described in the specification. Any structural detail that is essential for a proper understanding of the disclosed invention should be shown in the drawing. MPEP § 608.02(d). Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as

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“amended.” If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either “Replacement Sheet” or “New Sheet” pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims **21-27** are rejected under 35 U.S.C. 102(e) as being anticipated by Chapp et al (hereinafter, "Chapp", 6,654,825)

As per claim **21**, Chapp discloses a method for copying data from a source to a destination using a data pipe, the method comprising:

- identifying at least a first characteristic of a first portion of the data (col. 15, lines 63-67

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and col. 16, lines 1-6);

- identifying at least a second characteristic of a second portion of the data (col. 15, lines 63-67 and col. 16, lines 1-6);
- copying a first portion of the data through the data pipe in a first chunk in a first format based on the first characteristic (col. 9, lines 65-67, col. 10, lines 1-4 and col. 14, lines 24-46); and
- copying a second portion of the data through the data pipe in a second chunk in a second format based on the second characteristic, the second format being distinct from the first format (col. 9, lines 65-67, col. 10, lines 1-4 and col. 14, lines 24-46).

As per claim **22**, Chapp further discloses:

- generating a first header describing the contents of the first chunk (col. 14, lines 24-55);
and
- generating a second header describing the contents of the second chunk (col. 14, lines 24-55).

As per claim **23**, Chapp further discloses:

- sending the first chunk with the first header to the destination (col. 14, lines 24-55); and
- sending the second chunk with the second header to the destination (col. 14, lines 24-55).

As per claim **24**, Chapp discloses wherein:

- the first header indicates where to store the first chunk (col. 13, lines 29-38 and col. 15, lines 1-9); and
- the second header indicates where to store the second chunk (col. 13, lines 29-38 and col. 15, lines 1-9).

As per claim **25**, Chapp further discloses:

- storing the first chunk in a first storage medium in the first format (col. 13, lines 29-38 and col. 15, lines 1-9); and
- storing the second chunk in a second storage medium in the second format, the second storage medium being distinct from the first storage medium (col. 13, lines 29-38 and col. 15, lines 1-9).

As per claim **26**, Chapp discloses wherein:

- the first header includes information on at least one process to be performed on the first chunk (col. 14, lines 24-55); and
- the second header includes information on at least one process to be performed on the second chunk (col. 14, lines 24-55).

As per claim **27**, Chapp further discloses:

- performing the first processes on the first chunk (col. 14, lines 24-55); and
- performing the second processes on the second chunk (col. 14, lines 24-55).

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

U.S. Pat. No. 5,970,233 to Lui et al

U.S. Pat. No. 6,105,129 to Meier et al

U.S. Pat. No. 6,094,684 to Pallmann

Any inquiry concerning this communication or earlier communications from the

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examiner should be directed to LaShonda T. Jacobs whose telephone number is 571-272-4004.

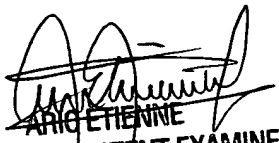
The examiner can normally be reached on 8:30 A.M.-5:00 P.M..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ario Etienne can be reached on 571-272-4001. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

LaShonda T Jacobs
Examiner
Art Unit 2157

ltj
August 3, 2005


ARIO ETIENNE
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